UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,868	01/10/2002	Michael Peters	6065-80125	9822

24628   7590   12/14/2006

WELSH & KATZ, LTD
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

EXAMINER
KNOWLIN, THJUAN P

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 September 2006</u>.

2a)☐ This action is **FINAL.** 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-40</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-40</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>10 January 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>09/06/06</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment filed on September 25, 2006 has been entered. Claims

13 and 14 have been amended. No claims have been cancelled. No claims have been

added. Claims 1-40 are still pending in this application, with claims 1, 16, and 31 being

independent.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu

et al (US 6,611,590), in view of Juster (US 5,724,406), in view of Barnes et al (US

6,757,731), and further in view of Childress et al (US 4,682,367).

3.   In regards to claims 1, 6, 7, 16, 21, 22, and 31, Lu discloses a method and

apparatus of supporting client (See Fig. 1, caller 1 110-1, and caller 2 110-2) calls within

a private computer network (See Fig. 1 and PBX 122) of an organization having a

plurality of agents (See Fig. 1, call center 120-1 - 120-n, and agent workstation 132),

such method comprising the steps of: detecting receipt of a call from a client (See col. 1

lines 48-59) of the organization through an interface of the private computer network of

the organization with a public communication network (See Fig. 1 and PSTN 154);

determining a type of the received call (See col. 6 lines 22-28 and col. 7 lines 4-10); and

selecting an agent of the plurality of agents based upon the determined type of call (See

col. 1 lines 48-59, col. 4 lines 51-63, and col. 8 lines 37-42). Lu, however, does not

disclose independently spawning a call processing application based upon the

determined type of call and upon the selected agent with a first end of the independently

spawned call processing application operatively coupled to a predetermined protocol

stack of the selected agent and with a second end of the independently spawned call

processing application operatively coupled to a protocol stack of the client, said

independently spawned call processing application being operable to exchange

information between the selected agent and the client. Juster, however, does disclose

independently spawning a call processing application based upon the determined type

of call (for example, the call may be for facsimile, voice messaging, e-mail, etc.) and

upon the selected agent with a first end of the independently spawned call processing

application (e.g., call processing/messaging service application) operatively coupled to

a predetermined protocol stack (e.g., call processing stack) of the selected agent and

with a second end of the independently spawned call processing application operatively

coupled to a protocol stack of the client, said independently spawned call processing

application being operable to exchange information between the selected agent and the

client (See col. 2 lines 3-33, col. 3 lines 10-36, col. 16 lines 11-26, and col. 17 lines 20-

37). Therefore, it would have been obvious for one of ordinary skill in the art at the time

of the invention to employ these features within the system and apparatus, as a way of

making the connection between the agent (e.g., user) and client (e.g., subscriber) less

time consuming, and therefore, increasing the efficiency of services (e.g., messaging

services) being provided to the client (e.g., subscriber). However, Lu, neither Juster

disclose said protocol stack of the agent and protocol stack of the client being disposed

inside the private computer network and wherein communication between the

predetermined protocol stack of the agent and protocol stack of the client operates

under a first protocol and communication between the protocol stack of the client and

the client through the public communication network operates under a second protocol.

Barnes, however, does disclose said protocol stack (See Fig. 2 and protocol stack 211)

of the agent and protocol stack (See Fig. 2 and protocol stack 221) of the client being

disposed inside the private computer network (See Fig. 2 and network device 200) and

wherein communication between the predetermined protocol stack of the agent and

protocol stack of the client operates under a first protocol and communication between

the protocol stack of the client and the client through the public communication network

operates under a second protocol (See Abstract, col. 4-5 lines 26-11, and col. 13 lines

9-31). Therefore, it would have been obvious for one of ordinary skill in the art at the

time of the invention to employ this feature within the apparatus, as a way of enabling

data and/or messages to be exchanged between the first protocol of the first protocol

stack and the second protocol of the second protocol stack over the virtual connection.

However, Lu, neither Juster, neither Barnes disclose continuously scanning idle input

stack locations of a protocol stack of the client to detect received calls. Childress,

however, does disclose continuously scanning idle input stack locations of a protocol

stack of the client (e.g., person calling or user) to detect received calls (See col. 8 lines

16-32, col. 9 lines 22-33, col. 18 lines 29-44, and col. 20 lines 51-65). Therefore, it

would have been obvious for one of ordinary skill in the art at the time of the invention to

employ this feature within the system, as a way of permitting a user to establish a

communication link on a channel after the channel has been dedicated, without

requiring a control channel. This makes establishing a communication link, easier and

quicker for the user.

4.   In regards to claims 2, 17, and 32, Lu discloses the method and apparatus,

further comprising detecting call associated information (call ID/reason) received along

with the call (See col. 1 lines 48-59 and col. 10 lines 24-53).

5.   In regards to claims 3 and 18, Lu discloses the method and apparatus, further

comprising selecting the agent for connection to the call based upon the call associated

information (See col. 1 lines 48-59 and col. 4 lines 51-63).

6.   In regards to claims 4 and 19, Lu discloses the method and apparatus, further

comprising identifying the client from the call associated information (See col. 11 lines

48-58).

7.   In regards to claims 5 and 20, Lu discloses the method and apparatus, further

comprising retrieving client information based upon the identity of the client (See col. 5

lines 58-66 and col. 11 lines 48-58).

8.   In regards to claims 8, 9, 10, 11, 12, 14, 15, 23, 24, 25, 26, 27, 30, 33, 34, 35, 36,

37, and 40, Lu discloses the method and apparatus, further comprising defining the call

type as a VoIP call, a web page call, and a chat session call (See col. 3 lines 28-59 and col. 13 lines 22-35).

9.   In regards to claims 13, 28, 29, 38, and 39, Juster discloses the method and apparatus, further comprising conferencing a third party into the call using a plurality of software mixers operatively coupled between the protocol stack of the agent and the protocol stack of the client (See 17 lines 54-66).

Response to Arguments

10.   Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.
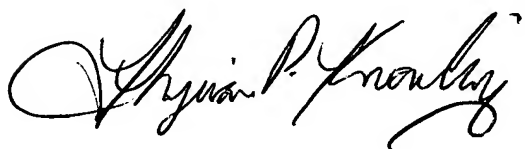
Conclusion

11.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.   Girard (US Patent Application, Pub. No.: US 2002/0176404 A1) teaches a distributed edge switching system for voice-over-packet multiservice network.

12.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

13.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

THJUAN P. KNOWLIN
PATENT EXAMINER
TECHNOLOGY CENTER 2600